REMARKS/ARGUMENTS

Reconsideration of the above-identified patent application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 8, 11, 15 - 18 and 23 - 27 have been cancelled. Claims 1, 6, 7, 9, 10, 12 - 14 and 19 - 22 have been amended. Claims 1 - 7, 9, 10, 12 - 14 and 19 - 22 remain in the application.

The claims of the instant application are drawn to a method for utilizing a miniature, unmanned, remotely guided aircraft weighing less than fifty-five pounds to obtain aerial images of an agricultural field. Aircraft meeting this weight requirement are currently exempt from many regulations governing aircraft heavier than fifty-five pounds. In addition, the use of such an aircraft provides numerous other logistical and operational advantages enumerated in the instant specification.

Claims 1 - 7, 12 - 14, 17, 18, 22 - 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. United States Patent No. 6,529,615 for METHOD OF DETERMINING AND TREATING THE HEALTH OF A CROP, issued March 4, 2003 to Larry I. Hendrickson et al.

HENDRICKSON et al. disclose a system for utilizing imagery acquired from a variety of different platforms including "from a land vehicle, airplane, helicopter, pilotless drone, satellite, etc." (Column 11, lines 26 - 28). Nowhere do HENDRICKSON et al. teach or suggest the specifics of Applicant's aerial image acquisition platform, specifically a miniature, unmanned aircraft weighing less than fifty-five pounds. In a prior Office Action mailed November 19, 2003, Examiner Hernandez clearly states on the record that "HENDRICKSON et al. do NOT teach the specifics of Applicant's miniature aircraft weighing less than fifty-five pounds, and the image acquisition apparatus, synthetic aperture radar," etc. (page 3, lines 5 - 7). In the November 19, 2003 Office Action, the Examiner relied on the Holmes '632 patent to issue an obviousness rejection of these same claims. Applicant has overcome the combined

obviousness rejection over HENDRICKSON et al. in view of HOLMES, Jr. previously issued by successfully arguing that HOLMES, Jr. is non-analogous art. How is it now possible that the Examiner has now taken a giant step backward and issued what is clearly a hindsight rejection over HENDRICKSON et al. alone?

Applicant has amended independent claim 1 to recite additional limitations that more precisely define his invention. These additional limitations include a microprocessor, various sensors (e.g., a barometric altitude sensor, an airspeed sensor, and a roll and pitch sensor) as well the automatic control of pitch and roll. The amendment of claim 1 is believed to even further define over HENDRICKSON et al.

The creation of a miniature aircraft weighing less than fifty-five pounds and having the capabilities to practice the method steps taught and claimed by Applicant is no minor feat. In fact, the USPTO has found novelty and has awarded Applicant several United States patents covering features of the miniature airplane itself. It is ludicrous for an Examiner to find a reference to a pilotless drone aircraft (HENDRICKSON et al., column 11, line 28) and take a giant hindsight leap and blithely state it would have been obvious… etc. to do what Applicants recites in his claims, especially as now amended.

If the Examiner can produce meaningful art to either anticipate or obviate the instant claims, the Applicant will, of course, gladly respond. Applicant, however, has become weary of the delayed prosecution of this application. The fact that the application was remanded following Applicants Notice of Appeal and subsequent Appeal Brief is believed by Applicants to be evidence that the Examiner's handling of the case heretofore has been found flawed.

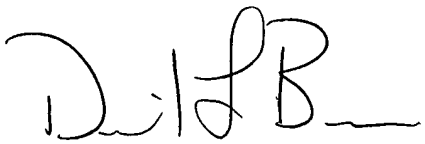
The cancellation of claims 17, 18 and 22 - 27 renders their rejection moot. The amendment of independent claims 1 and 8 overcomes the rejection of claims 1 - 7 and 12 - 14 under 35 U.S.C. §103(a) as being unpatentable over HENDRICKSON et al.

Claims 8 - 11, 15, 16, and 19 - 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over HENDRICKSON et al. in view of United States Patent No. 5,467,271 for MAPPING AND ANALYSIS SYSTEM FOR PRECISION FARMING APPLICATIONS, issued November 14, 1995 to Robert J. Abel et al. ABEL et al. teach in great detail a method for mapping and analyzing images but are silent regarding any details regarding an airborne platform for gathering useful aerial imagery.

There is simply no teaching in ABEL et al. to that when added to the teaching of HENDRICKSON et al. suggests the claimed, non-obvious details of Applicant's invention as disclosed and now claimed. The cancellation of claims 11 and 16 renders their rejection moot. The amendment of claim 1 is believed to overcome the rejection of claims 8 - 10 and 19 - 21 under 35 U.S.C. §103(a) as being unpatentable over HENDRICKSON et al. in view ABEL et al.

Applicant believes for at least the reasons stated hereinabove, that non-cancelled claims 1 - 7, 9, 10, 12 - 14 and 19 - 22 are clearly patentable over HENDRICKSON et al., alone, or in combination with ABEL et al. and/or HOLMES, Jr. Consequently, Applicant respectfully requests that claims 1 - 7, 9, 10, 12 - 14 and 19 - 22 be allowed and the application passed to issue.

Respectfully submitted,



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On October 31, 2006 (Date of Deposit)

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